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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,042	10/16/2003	Mark Gilmore Mears	PU020446	7488

7590 10/30/2006

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EXAMINER

WU, XIAO MIN

ART UNIT	PAPER NUMBER
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2629

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/687,042

Applicant(s)

MEARS ET AL.

Examiner

XIAO M. WU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
3. Claims 1-3, 5-6, 9-12, 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunaway (US Patent No. 5,450,079).

As to claims 1, 10, Dunaway discloses a remote control comprising: a housing(20, Fig. 1); a controller (62, Fig. 3) supported by said housing (20, Fig. 3); a display (22, Fig. 3) supported by said housing and coupled to said controller for communication therewith (see Fig. 3), said display (22) divided into a pre-etched touch screen area defining a plurality of touch selectable buttons and associated labels (24, 26, 28, 30, 32, 34, 36, 38, 40, 42, Fig. 2A), and a programmable message area (22, Fig. 2A) operative to display user selected alphabetic characters; and memory (64, Fig. 3) coupled to said controller (62) for communication therewith

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and containing program instructions that allow a user to define a custom label for a selected one of said plurality of selectable buttons (e.g. different label buttons in different modes as shown in Fig. 2A and 2C). Dunaway further discloses depressing HELP button 44 and a selected one of user selectable keypads 24-42, a textual help message associated with a function associated with that user selectable keypad may be displayed within graphic display 22 (see col. 4, lines 2-6). It is noted that Dunaway does not disclose the function of the selected button is displayed in the message area when the selected one of the plurality selectable buttons is actuated. However, it would have been obvious to one of ordinary skill in the art to have modified Dunaway by eliminating the HELP button because it would be more simple and quicker to get to information related to the selected button when only one button is actuated

As to claims 2, 11, Dunaway discloses message area is defined by a dot matrix configuration (see Fig. 2A-2C).

As to claims 3, 12, Dunaway discloses the dot matrix configuration defines two rows of message area. (e.g. CD PLAYER shown in the message area as shown in Fig. 2B).

As to claims 5, 14, Dunaway discloses the custom label is defined during a setup mode of the remote (e.g. different label in different modes as shown in Fig. 2A, 2C).

As to claims 6, 15, Dunaway discloses the display comprises an LCD (see col. 3, line 19).

As to claim 9, Dunaway discloses a plurality of hard buttons (44, 46, 48) carried by said housing and coupled to said controller for communication therewith, said program instructions further allow the user to define a custom label for a selected one of said plurality of hard buttons that is displayed in said message area when said selected one of said plurality of hard buttons is actuated (see col. 3, line 60 to col. 4, line 9).

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4. Claims 4, 7-8, 13 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunaway (US Patent No. 5,450,079). as applied to claims 1-3, 5-6, 9-12, 14-15 above, and further in view of Sampsell US Patent No. 6,496,122).

As to claims 4 and 13, it is noted that Dunaway does not specifically disclose the custom label is defined during a learning mode of the remote. Sampsell is cited to teach a remote control device similar to Dunaway. Sampsell further discloses that the remote including a learning mode such that the user can select the command to be learned in an order desired by the user (see col. 8, line 49 to col. 9, line 52). It would have been obvious to one of ordinary skill in the art to have modified Dunaway with the features of the learning mode as taught by Sampsell because Sampsell offers the advantage of easily programming a learning remote control by displaying feedback information on the image screen on the remote control and the convenience of the learning remote control provides backward compatibility with a wide array of image display device (col. 2, lines 58-63).

As to claims 7 and 16, Sampsell discloses The remote control of claim 10, further comprising: means, supported by said housing and coupled to said controller for communication therewith, for receiving signals from another remote control for learning the received signals; and means, supported by said housing and coupled to said controller for communication therewith, for transmitting signals from the universal remote for control of an unconnected electronic component (see col. 8, lines 10-20).

As to claims 8 and 17, Dunaway discloses means for receiving comprises an IR receiver (310, Fig. 1), and said means for transmitting comprises an IR transmitter (116, Fig. 1).

Response to Arguments

5. Applicant's arguments filed 8/9/2006 have been fully considered but they are not persuasive.

Applicant argues that Dunaway neither discloses nor suggests a "display divided into a pre-etched touch screen defining a plurality of touch selectable buttons and associated labels, and a programmable message area operative to display alphabetic characters" as recited in claim 1. This argument is not persuasive. As shown in Figs. 1 and 2a, the touch screen area is positioned within the housing 20 and surrounded by the top surface of the housing. Thus, the top surface of the housing is higher than the touch screen area 22 and the edge between the housing and the touch screen area is a pre-etched. Therefore, Dunaway clearly discloses that the display 22 is divided into a pre-etched touch screen area (e.g. left portion and right portion of 22) defining a plurality of touch selectable buttons (e.g. 24, 26, 28, 30, 32,..., 42) and associated labels (e.g. PLAY, RECORD,...), and a programmable message area (e.g. middle portion of the touch screen area) operative to display alphabetic characters" as recited in claim 1 and 10. It is believed that the broadly claimed structures are met by Dunaway.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to XIAO M. WU whose telephone number is 571-272-7761. The examiner can normally be reached on 6:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RICHARD HJERPE, can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

X.W.

October 26, 2006


XIAO M. WU
Supervisory Patent Examiner
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